

REMARKS

As a preliminary matter, Applicant has amended claims 15, 28, and 29 without adding new matter to correct the informalities noted on page 2 of the Office Action. In light of the amendments, Applicant respectfully requests that the Examiner withdraw the objections to those claims.

Turning now to the rejections, the Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Willner. In response, Applicant has amended claim 1 to require that the mobile terminal controller activate and deactivate a hands-free only mode based on the location of the device (e.g., whether the device is proximate a hands-free zone) and on the velocity of the mobile terminal while proximate the hands-free zone. Particularly, the controller of amended claim 1 compares the velocity of the mobile terminal to a predetermined threshold while the mobile terminal is proximate the hands-free zone, and uses the results of the comparison to determine whether to activate or deactivate the hands-free only mode. This allows a user to communicate in a hands-free only mode while driving a vehicle in a hands-free zone in accordance with local laws. However, this also gives the user the freedom to communicate without being in the hands-free mode when the user is not driving a vehicle, such as when the user is seated in a restaurant located in a hands-free zone..

Willner does not disclose a mobile terminal controller that activates and deactivates a hands-free only mode in the mobile terminal based on both the location and the velocity of the mobile terminal. Rather, Willner places a wireless communications device in a hands-free mode based only on the current location of the device relative to the location of a hands-free zone. The reason that Willner does not consider the velocity of the mobile terminal (in addition to its current location) in activating and deactivating the hands-free mode is because Willner is concerned with facilitating the user's compliance with local laws regarding hands-free communications while driving a vehicle (*e.g.*, Willner, p. 3, ¶¶ [0002-0004], [0039], [0045]).

Willner never mentions anything with respect to the velocity of the device, but appears to assume that all users are driving vehicles within the hands-free zone and therefore, will need to communicate in a hands-free mode. As such, Willner cannot anticipate amended claim 1 or any of its dependent claims under §102.

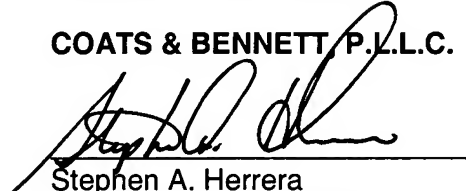
The Examiner also rejected claims 16 and 30 under 35 U.S.C. §102(b) as being anticipated by Willner for essentially the same reasons as those used to reject claim 1. Applicant has amended claims 16 and 30, however, such that they now contain language similar to that of amended claim 1. Specifically, amended claim 16 is directed to a wireless communications system wherein a mobile terminal communicates with a base station in a hands-free mode based on the proximity of the mobile terminal to the hands-free zone, and on the velocity of the mobile terminal. Amended claim 30 is directed to a method of controlling the operation of the mobile terminal by activating and deactivating the hands-free only mode of a mobile terminal proximate a hands-free zone based on the velocity of the mobile terminal. Therefore, for reasons similar to those stated above with respect to amended claim 1, Willner fails to anticipate either of amended claims 16 and 30, or any of their respective dependent claims.

Finally, Applicant has amended dependent claims 7-13, 15, 20, 22-24, 26-29, 37, and 41-42 to ensure that they comport with the language of their respective amended independent claims. No new matter was added. In addition, claim 14 has been canceled without prejudice.

In light of the foregoing remarks and their accompanying amendments, Applicant respectfully requests allowance for all pending claims.

Respectfully submitted,

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Dated: January 10, 2006

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